

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
OCTOBER 15, 2103**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:47pm

Conservation Members in Attendance:

Chairman Donald Cooper, Commissioner Kevin Porter, Commissioner Phil Sutherland, Commissioner Alix Driscoll, and Commissioner Floyd Greenwood. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Chestnut Street/Avon Street to Highland Road

Present in Interest: Brian Moore

Staff Recommendation: Approve as Pos.5 and Neg. 3.

Public Hearing on a Request for Determination of Applicability filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection by-Law for the proposed installation of a water main, water services and fire hydrants at Chestnut Street/Avon Street to Highland Road.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-Law to abandon an existing water main and replace it with a larger new water main, including water services and fire hydrants. Minimal portions of the work are within the buffer zone. There will be no stockpiling on site, catch basins will be protected and erosion control installed where necessary. Waivers are requested for work within 25 foot non-disturb in existing roadway, property dimensions, contours and delineation of wetland resource.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve the Waivers and Approve the project as Pos.5 and Neg.5, it was seconded by Commissioner Driscoll and unanimously approved.

10 Ledge Road

Present in Interest: Brian Moore

Staff Recommendation: Approve as Neg.3.

Public Hearing on a Request for Determination of Applicability filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed installation of a chain link fence at 10 Ledge Road.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The fencing is part of an agreement for a transfer of land from the Park Family Trust to the Town of Andover. The site is located within the Fish Brook Watershed Overlay Protection District. All digging will be done by hand and there will be no significant impact. The BVW is already disturbed due to a utility easement. The fencing will be keep the farm animals contained and off the contaminated property. A portion of the submission requirements are being asked to be waived.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve the Waivers and Approve the project as Neg.3, it was seconded by Commissioner Driscoll and unanimously approved.

1 Napier Road

Present in Interest: Diane McCarron

Staff Recommendation: Approve.

Public Hearing on a Request for Determination of Applicability filed by Diane McCarron under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed installation of an inground pool at 1 Napier Road.

Mr. Douglas presented this to the Commission. The pool location will be over 80 feet from the wetland line and more than 25 feet in elevation. Could be considered exempt since the pool is over 50 feet away and on existing lawn, but staff recommends issuing the Determination. The plan provided does not show actual dimensions and placement. The Applicant will provide a plan to Staff showing the complete project. Staff recommends the pool not be placed any further west than shown on the plan.

Commissioner Greenwood asked that the standard pool language be added to the Special Conditions.

The Applicant informed the Commission that she has not confirmed the placement of the pool and fencing. The fence would extend about 6 feet further than the edge of the house at the furthest.

Chairman Cooper requested that the project include 6 feet for the fencing and the entire project, including decking and fence, to be no closer than 75 feet from the wetland and staff to receive plan showing complete project plan.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve with the amendments stated, it was seconded by Commissioner Driscoll and unanimously approved.

36 Sunset Rock Road

Present in Interest: Steve Eriksen, Denise Johnson, Attorney Andy Caffrey and Robert Gable.

Staff Recommendation: Continue for revised plan and issuing fines.

Public Hearing on a Request for an Amended Order of Conditions filed by Corville Realty Trust under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to amend the Order of Conditions to comport with the As-Built Plan at 36 Sunset Rock Road.

Agent Cleary presented this to the Commission. This request is under the WPA and by-Law for an after the fact approval to changes made to the lot, including a different house, lawn on site where the pool is to be located, unclean fill, retaining walls added, changes to grading, changes to deck size with patio underneath, no walkways on site and no non-disturb bounds installed. The letter and plan received to do not match the onsite conditions and they do not comport to each other. Applicant must clarify exactly what they are asking for. It is difficult for staff to go onsite with a plan and to have the site conditions changing every time a site visit is conducted. Mr. Eriksen addressed the Commission regarding the changes. The pool is not on property now, but may be installed later, depending on what the prospective buyer would like. A 2 foot high retaining wall along the driveway is necessary due to a slight change in grading, to access the garage area. A small retaining wall was added behind the house as well as a larger porch in the rear with a patio under. The house is smaller and has moved further away from the wetland. The site is sodded and stabilized for the winter. The Applicant is asking for an after the fact approval for the work that has been completed that differs from the Order of Conditions issued, not an approval in accordance with the As-Built Plan provided. The request tonight is only for the retaining walls, and change in footprint of the building.

Mr. Pinney agreed that the plan provided does not reflect what is on the ground right now. The existing grading is not compatible with the site.

Chairman Cooper asked the Applicant to clarify what they would like approved on the Amendment. He then turned the discussion as to why this is an after the fact amendment. There was no explanation provided by the Applicant.

Staff recommends a revised plan be supplied indicating what is complete and what may occur with a letter that matches the plan. Staff also recommended fines of \$200 per day beginning September 18, 2013 when staff became involved with the inconsistencies on site to October 5, 2013 for a total of \$5,600.00.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to November 19, 2013, fines of \$200.00 per day beginning September 18, 2013 for a total of \$5,600.00, it was seconded by Commissioner Greenwood and unanimously approved.

289 River Road a/k/a Ferry Crossing Subdivision

Present in Interest: James Grieve, Steve Stapinski and Anthony Mesiti

Staff Recommendation: Close Public Hearing and Issue Order of Conditions.

Continued Public Hearing on a Notice of Intent filed by Anthony Mesiti under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-law for the proposed construction of a roadway, infrastructure, site mitigation in the buffer and construction of a wood plank in the wetlands at 289 River Road.

Mr. Douglas presented this to the Commission. This was continued from June 18, 2013 for purposes of a peer review. The peer review is complete. A soil study of the infiltration was done and resulted in a positive change to the site. The site infiltrator will be lowered, less fill will be imported and the slopes will be less steep. The letter from Natural Heritage has been received.

Commissioner Porter asked the Applicant to investigate some clearing in the wetland and buffer seen at a June site visit. The Applicant has not seen any disturbance other than backhoes used for test pits. There should be no work within the resource area other than the trash and debris to be removed. The site inspector for the site will monitor any clearing.

James Grieve, an abutter expressed his concerns regarding the wetlands and drainage from the project. There is a large wetland area being deeded to AVIS to preserve the area and allow public access from the new subdivision roadways.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Close the Public Hearing and Issue the Order of Conditions, it was seconded by Commissioner Driscoll and unanimously approved.

29 Boutwell Road

Present in Interest: John Boardman and Matthew Ireland

Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions.

Continued Public Hearing on a Notice of Intent filed by John Pearson, Jr., Manager Belvidere Hill Group, LLC under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law, for the proposed construction of a private roadway, drainage and utilities for 4 single family dwellings at 29 Boutwell Road.

Mr. Douglas presented this to the Commission. This was continued from October 1, 2013 for test pits to be done and impervious area per lot to be provided to Staff. All of these have been completed. The test pits have provided that the infiltration system can be placed lower than anticipated due to a lower water table which will result in less fill being required. The datum issue with the Planning Board has not been resolved to date. Staff agrees that once the datum issue is clarified with the Planning Board, the Applicant can come back to the Commission for an Insignificant Change if necessary so that all Town departments have the same plan. Staff agreed to add that condition to the Order of Conditions as well as the standard roadway language.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Close the Public Hearing and Issue the Order of Conditions, it was seconded by Commissioner Driscoll and unanimously approved.

ACTION ITEMS:

38 Sunset Rock Road

Present in Interest: Steve Eriksen, Denise Johnson, Attorney Andy Caffrey and Robert Gable.

Consideration of significance by Corville Realty Trust, under Massachusetts Wetlands Protection Act, and/or the Andover Wetlands Protection By-Law, Article XIV at 38 Sunset Rock Road. The As-Built conditions do not comport with the approved plan. The Applicant must provide a plan showing the existing conditions and the proposed conditions with a letter to match.

The house was moved outside the 100 foot buffer zone, the tree line is completely gone, the grading is different. The lot has been clear cut to the limit of work. The markers are missing on the plan. Chairman Cooper suggested this should be an Amendment to the Order of Conditions as it appears to be a significant change. Staff recommends a fine of \$200 for the violation. Mr. Pinney informed the commission that upon his last site visit, more work has been done in the

buffer zone even though the house has been moved outside the 100 foot buffer. Chairman Cooper suggested postponing any fines until the Applicant files for an Amendment to the Order of Conditions.

Commissioner Driscoll made a Motion for a Finding of Significance, it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from October 1, 2013 Meeting.

Commissioner Driscoll made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Sutherland and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

4 Crystal Circle

Present in Interest: Markus Pinney

Discussion of fines for non-compliance with Letter of Understanding. The homeowner had extended his lawn into the 25 foot non-disturb zone that the developer had remediated. Reseeding with a Conservation Seed Mix was to be done by September 30, 2013. Upon a site visit by staff and Mr. Pinney, this was not completed in accordance with the executed Letter of Agreement. Staff recommends fines of \$200.00 per day beginning October 7, 2013, allowing a 7 day grace period from the September 30, 2013 deadline and issue an Enforcement Order.

Commissioner Greenwood made a Motion to fine \$200.00 per day beginning October 7, 2013 and issue the Enforcement Order, it was seconded by Commissioner Sutherland and unanimously approved.

Eagle Scout Project

Present in Interest: Paul Fleury and Fred Snell

Eagle Scout Paul Fleury presented his proposed project to the Commission, providing a handout of the proposed bridges. The project is comprised of the building of two bridges at Deer Jump Reservation, one 16 feet long and the other 12 feet long. Two metal rods will be added to prevent the bridges from warping over time. All cutting of wood will be done off site.

Commissioner Greenwood made a Motion to find the project insignificant as to the WPA, it was seconded by Commissioner Driscoll and unanimously approved.

Newport Circle

Vote to rescind Enforcement Order issued for non-compliance with stormwater management and erosion control.

Commissioner Sutherland made a Motion to Rescind the Enforcement Order, it was seconded by Commissioner Porter and unanimously approved.

6 Robinswood Way

DEP Site visit scheduled for October 17, 2013 at 10:00am.

14 Powers Road

Emergency Certification for failed septic and tie into Town sewer.

Commissioner Porter made a Motion to Ratify the Emergency Certification, it was seconded by Commissioner Greenwood and unanimously approved.

The next meeting will be held November 5, 2013 at 7:45pm.

The meeting was adjourned at 9:50pm by Motion of Commissioner Driscoll and seconded by Commissioner Sutherland and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**